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NEW JERSEY OFFICIALS SUE ON BEHALF OF NEW YORK HOMELESS

County Executive Peter Shapiro announced today that Essex County is filing a class action suit against New York City "on behalf of New York welfare clients who want to live in New York but have been forced to move across state lines in order to receive emergency housing assistance."

The suit maintains New York City is violating the constitutional rights of the displaced welfare clients and seeks to "stop New York from discouraging its residents from returning home if they wish to do so."

The suit, scheduled to be filed in Superior Court Chancery Division Tuesday afternoon, said the welfare clients -- mothers with one or more children -- were required to move to New Jersey as a condition of their receiving housing aid from New York City.

Joining Shapiro and Essex County in the suit are Thomas H. Cooke, Jr., Mayor of East Orange. Gerald McCann, Mayor of Jersey City, and Hudson County Executive Edward F. Clark. New York City has rented motel rooms in both East Orange and Jersey City, as well as Newark, and placed over 1,000 New Yorkers there, 300 families who need emergency housing.

"These people have been told there is no housing available for them in their own communities," Shapiro said. "They were subjected to an arbitrary government action in which they were given no choice. They were taken out of their neighborhoods and relocated in another state where their burdens and difficulties are compounded by distance and unfamiliar surroundings."

The Essex County Executive said, "People have been uprooted and removed from the personal support network of family, friends, religious organizations and community groups and services. Without these neighborhood ties, their search for a permanent home, for a job, for self-reliance, is made substantially more difficult. The longer they are housed in a motel room, two to three hours away from their chosen communities in the Bronx, Brooklyn or elsewhere, the greater their chance of failure."

The suit names as defendants Edward Koch, Mayor of New York City and James Krauskopf, Commissioner of New York City's Human Resources Administration.

David H. Ben-Asher, Essex County Counsel, said the suit maintains that New York is violating the constitutional rights of the welfare clients, including:

-- the right to travel and to live in an area of one's choice. In effect, New York's action denies the right to travel by forcing them to do so, whether they wish to or not. The suit maintains that New York "acted unreasonably, arbitrarily and capriciously" by giving the clients no meaningful choice in their relocation. "If they refused to move no other emergency housing would be made available to them in most instances."

-- the right to an education. The suit charges that education of the plaintiffs' children has been "unreasonably hampered or denied by their inability to attend school, their long hours of travel to and from school and/or their inability to fully participate in extracurricular activities." The children are far removed from their local schools, head start or day care programs. Children of one plaintiff spent three hours commuting to school in Brooklyn each day. Children of at least two other plaintiffs did not attend school in New York while they were housed in New Jersey.

"Starting a new school in New Jersey if the family intends to return to New York will disrupt educational continuity," according to the suit. "Even if transportation is provided to schools in New York, younger children will be unlikely to take advantage of that transportation without parental supervision and older children will likely to ^{be} inhibited or prevented from participating in extracurricular activities with their peers."

-- the right to vote. Two of the plaintiffs are confused regarding their right to vote. While they may be unable to travel to the polls to vote in the November General Election, it is not feasible for them to obtain absentee ballots.

Among other hardships cited by the suit are the difficulties encountered by the Welfare recipients in seeking employment. "Travel is expensive and time consuming. If employment is found, maintaining a job is virtually impossible given the cost and time of commuting, particularly for a single parent." One plaintiff was unable to work in New York once she was relocated in New Jersey.

The relocation has proven to be stressful for many of the plaintiffs. During May, June and July, the New Jersey Division of Youth and Family Services was called upon for crisis intervention on 13 occasions. Most of these referrals related to child abuse and neglect.

Many clients have had a difficult time obtaining food stamps and receiving medical attention.

The suit points to the New Jersey study "New York City Families in New Jersey", which says more than 30 of the families have resided in New Jersey in excess of 10 weeks. The average length of residency at the time of the survey, made on July 13 and 14, was 5.5 weeks.

The length of time the clients remain in New Jersey increases the burden not only on the people themselves, but on the social service agencies here.

Essex County and the municipalities and social service agencies involved are forced "to pay for the obligations of New York." Such expenses include services provided by the Red Cross, Salvation Army and other private agencies, as well as additional police and fire protection.

Mary Patterson, the executive director of the East Orange Child Development Corporation, said in an affidavit, that "as a result of the influx of temporary residents, the East Orange Child Development Corporation will soon have to limit or terminate its Emergency Food for the Indigent Program."

The New Jersey public officials said they brought the suit "in their official capacity to protect the integrity of their social service programs and the fundamental rights of citizens living under their jurisdiction."

Shapiro said, "We have an obligation to stop the unfair and insensitive relocation of people who desperately are seeking the security of a permanent home in an area where they have roots."

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